# CASE NEG – Lucas Clarke

## 1

#### A] Interpretation: the aff must defend that restrictions are removed for ALL constitutionally protected speech – any means all.

Cambridge Dictionary, Any, http://dictionary.cambridge.org/grammar/british-grammar/quantifiers/any.

**We use any before nouns to refer to indefinite or unknown quantities or an unlimited entity**: Did you bring any bread? **Mr Jacobson refused to answer any questions.** If I were able to travel back to any place and time in history, I would go to ancient China. **Any as a determiner has two forms: a strong form and a weak form. The forms have different meanings. Weak form any: indefinite quantities We use any for indefinite quantities in questions and negative sentences.** We use some in affirmative sentences: Have you got any eggs? I haven’t got any eggs. I’ve got some eggs. Not: I’ve got any eggs. **We use weak form any only with uncountable nouns or with plural nouns**: [talking about fuel for the car] **Do I need to get any petrol?** (+ uncountable noun) **There aren’t any clean knives.** They’re all in the dishwasher. (+ plural noun) Warning: **We don’t use any with this meaning with singular countable nouns: Have you got any Italian cookery books?** (or … an Italian cookery book?) Not: Have you got any Italian cookery book? Strong form any meaning ‘it does not matter which’ We use any to mean ‘it does not matter which or what’, to describe something which is not limited. We use this meaning of any with all types of nouns and usually in affirmative sentences. In speaking we often stress any:. (+ uncountable noun) When you make a late booking, you don’t know where you’re going to go, do you? It could be any destination. (+ singular countable noun) [talking about a contract for new employees] Do we have any form of agreement with new staff when they start? (+ singular countable noun) [a parent talking to a child about a picture he has painted] A: I don’t think I’ve ever seen you paint such a beautiful picture before. Gosh! Did you choose the colours? B: We could choose any colours we wanted. (+ plural countable noun) See also: Determiners and types of noun Some and any Any as a pronoun Any can be used as a pronoun (without a noun following) when the noun is understood. A: Have you got some £1 coins on you? B: Sorry, I don’t think I have any. (understood: I don’t think I have any £1 coins.) [parents talking about their children’s school homework] A: Do you find that Elizabeth gets lots of homework? Marie gets a lot. B: No not really. She gets hardly any. (understood: She gets hardly any homework.) A: What did you think of the cake? It was delicious, wasn’t it? B: I don’t know. I didn’t get any. (understood: I didn’t get any of the cake.) See also: Determiners used as pronouns Any of We use any with of before articles (a/an, the), demonstratives (this, these), pronouns (you, us) or possessives (his, their): Shall I keep any of these spices? I think they’re all out of date. Not: … any these spices? We use any of to refer to a part of a whole: Are any of you going to the meeting? I couldn’t answer any of these questions. I listen to Abba but I’ve never bought any of their music. **Any** doesn’t have a negative meaning on its own. It **must be used with a negative word to mean the same as no. Compare Not Any: there aren’t any biscuits left.** They’ve eaten them all. **No: There are no biscuits left. They’ve eaten them all.**

#### B] Violation: they specify journalist speech

#### C] Net Benefits:

#### 1. Limits –

they EXPLODE the topic; they can specify any type of speech in the aff which leads to proliferation of unbeatable affirmatives. Additionally, even if they defend a specific venue, there are still infinite locations or manners that they can specify down to. An under-limited topic kills fairness and education – we’re spread to thin to have good debate and have the ability to engage. Limits outweighs –

Harris 13 Scott, Director of Debate at U Kansas, 2006 National Debate Coach of the Year, Vice President of the American Forensic Association, 2nd speaker at the NDT in 1981. “This ballot.” 5 April 2013. CEDA Forums. http://www.cedadebate.org/forum/index.php?action=dlattach;topic=4762.0;attach=1655

I understand that there has been some criticism of Northwestern’s strategy in this debate round. This criticism is premised on the idea that they ran framework instead of engaging Emporia’s argument about home and the Wiz. I think this criticism is unfair. Northwestern’s framework argument did engage Emporia’s argument. Emporia said that you should vote for the team that performatively and methodologically made debate a home. Northwestern’s argument directly clashed with that contention. My problem in this debate was with aspects of the execution of the argument rather than with the strategy itself. It has always made me angry in debates when people have treated topicality as if it were a less important argument than other arguments in debate. Topicality is a real argument. It is a researched strategy. It is an argument that challenges many affirmatives. The fact that other arguments could be run in a debate or are run in a debate does not make topicality somehow a less important argument. In reality, for many of you that go on to law school you will spend much of your life running topicality arguments because you will find that words in the law matter. The rest of us will experience the ways that word choices matter in contracts, in leases, in writing laws and in many aspects of our lives. Kansas ran an affirmative a few years ago about how the location of a comma in a law led a couple of districts to misinterpret the law into allowing individuals to be incarcerated in jail for two days without having any formal charges filed against them. For those individuals the location of the comma in the law had major consequences. Debates about words are not insignificant. Debates about what kinds of arguments we should or should not be making in debates are not insignificant either. **The limits debate** is an argument that **has real pragmatic consequences**. I found myself earlier this year judging Harvard’s eco-pedagogy aff and thought to myself—I could stay up tonight and put a strategy together on eco-pedagogy, but then I thought to myself—why should I have to? Yes, I could put together a strategy against any random argument somebody makes employing an energy metaphor but the reality is there are only so many nights to stay up all night researching. **I would like to** actually **spend time playing catch** with my children occasionally **or** maybe even **read a book or go to a movie** or spend some time with my wife. **A world where there are an infinite number of affirmatives is a world where the demand to have a specific strategy** and not run framework **is a world that says this community doesn’t care whether its participants** have a life or do well in school or spend time with their families. I know there is a new call abounding for interpreting this NDT as a mandate for broader more diverse topics. The reality is that will create more work to prepare for the teams that choose to debate the topic but will have little to no effect on the teams that refuse to debate the topic. Broader topics that do not require positive government action or are bidirectional will not make teams that won’t debate the topic choose to debate the topic. I think that is a con job. I am not opposed to broader topics necessarily. I tend to like the way high school topics are written more than the way college topics are written. I just think people who take the meaning of the outcome of this NDT as proof that we need to make it so people get **to talk about anything** they want to talk about without having to debate against Topicality or framework arguments are interested in constructing a world that **might make debate an unending nightmare** and not a very good home in which to live. Limits, to me, are a real impact because I feel their impact in my everyday existence.

#### 2. Ground –

they’re always ahead on the specific type of speech or venue they’ve picked since they have infinite prep time, but under their interp, I lose my ability to make coherent arguments. My interp solves their plans good offense – they can specify types of restrictions, as long as they defend them removed for all speech, which means I can get my generics.

#### 3. Precision –

a) controls the internal link to topical prep, if you’re not under the purview of the topic, there’s no way anyone knows what your aff will be b) it’s not reasonable to have me prep things that aren’t the topic c) topicality rule outweighs

Nebel 15 Jake, debate coach his students have won the TOC, NDCA, Glenbrooks, Bronx, Emory, TFA State, and the Harvard Round Robin. As a debater, he won six octos-bid championships and was top speaker at the TOC. “The Priority of Resolutional Semantics by Jake Nebel” VBriefly February 20th 2015 http://vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/ SA-IB

One reason why LDers may be suspicious of my view is because they see topicality as just another theory argument. But unlike other theory arguments, **topicality** involves two “interpretations.” The first is an interpretation, in the ordinary sense of the word, of the resolution or of some part of it. The second **is a *rule***—namely, that **the a**ffirmative **must defend the r**esolution.[2](http://vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/#fn2) If we don’t distinguish between these two interpretations, then the negative’s view is merely that the affirmative must defend whatever proposition they think should be debated, not because it is the proposition expressed by the resolution, but rather because it would be good to debate. This failure to see what is distinctive about topicality leads quickly to the pragmatic approach, by ignoring what the interpretation is supposed to be an interpretation *of*. By contrast, **the topicality rule**—i.e., that the affirmative must defend the resolution—**justifies the semantic approach**. This rule is justified by appeals to fairness and education: it **would be unfair to expect the neg**ative **to prep**are **against anything other than the** resolution, because **that is the only mutually acceptable basis for prep**aration; **the educational benefits** that are unique to debate **stem from clash** focused **on a proposition determined beforehand**. The inference to the priority of semantic considerations is simple. Consider the following argument: We ought to debate the resolution. The resolution means X. Therefore, we ought to debate X. The first premise is just the topicality rule. The second premise is that X is the semantically correct interpretation. **Pragmatic** considerations for or against X do not, in themselves, support or deny this second premise. They might **show that it would be better** or worse***if* the resolution meant X, but** **sentences do not** in general **mean what it would be best for them to mean**. At best, pragmatic considerations may show that we should debate some proposition other than the resolution. **They are** (if anything) **reasons to *change* the topic, contrary to the topicality rule**. Pragmatic considerations must, therefore, be weighed against the justifications for the topicality rule, *not* against the semantic considerations: they are objections to the first premise, not the second premise, in the argument above.

#### D] Voter –

#### No RVIs

1. neg flex – having multiple 2NR outs is key against plans like theirs

2. kills all education because it forces every debate to be decided on theory which means that we are never able to attempt to check abusive practices without every speech being all theory

3. counter-interp: they get an RVI on theory, which solves their offense, topicality is a predictable argument that they should have to beat along with substantive objections to the aff

4. counter-interp: they get an RVI if I read X or more shells – solves enough of their offense and supercharges my arguments

5. no rvi forces the aff to become more efficient at defending their position from a multiplicity of attacks which makes them better debaters and better advocates

## 2

#### CP: The United States House of Representatives ought to only pass section four of the Anti-Semitism Awareness Act.

#### Section four of the bill provides a comprehensive definition of Anti-Semitism for government agencies to use – here’s the text of their bill.

Congress 17 United States Congress. “Anti-Semitism Awareness Act” https://www.congress.gov/bill/114th-congress/senate-bill/10?r=59 SA-IB

(Sec. 4) This bill requires the Department of Education, when reviewing whether there has been a violation of title VI of the Civil Rights Act of 1964 (prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance) based on an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, to consider the definition of "anti-Semitism" as part of its assessment of whether the alleged practice was motivated by anti-Semitic intent. For purposes of this bill, the definition of "anti-Semitism" is the definition set forth by the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State in the Fact Sheet issued on June 8, 2010, as adapted from the Working Definition of Anti-Semitism of the European Monitoring Center on Racism and Xenophobia (now known as the European Union Agency for Fundamental Rights).

## 3

#### Current harassment laws under Title VI aren’t working now because of a lack of a workable definition to base investigations on.

Gilreath 1/20 Shannon, Professor of Law and Professor of Women’s, Gender, and Sexuality Studies at Wake Forest University. He is a nationally recognized expert on equality, sexual minorities and constitutional interpretation and has authored antidiscrimination legislation for jurisdictions across the country. “Freedom of speech and the Anti-Semitism Awareness Act on college campuses” January 20, 2017. The Hill. http://thehill.com/blogs/congress-blog/politics/315195-freedom-of-speech-and-the-anti-semitism-awareness-act-on-college SA-IB

While incidents of anti-Semitic harassment and assault are surging, the problem is, sadly, not new. In 2004, the U.S. Department of Education’s Office for Civil Rights (“OCR”) committed to investigate claims of anti-Semitism under Title VI of the Civil Rights Act of 1964. Shockingly, despite well-documented incidents in the twelve years since this commitment was made, the OCR has failed to find a single violation of Title VI. One critical problem is that OCR lacks a workable definition of anti-Semitism. Absent such a definition, OCR staff fail, time and again, to recognize anti-Semitism when they see it. As a result, university campuses across the United States are becoming increasingly hostile places for Jewish students.

#### Anti-Semitic violence is on the rise.

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Incidents of anti-Semitism have risen alarmingly over the past two years. According to FBI statistics, there were more hate crimes against Jews in 2015 than against any other religious group. Anti-Jewish assaults rose by more than 50 percent from 2014. Anti-Semitic harassment seems to be acutely problematic on U.S. college campuses, with over half of all Jewish students polled indicating that they’d witnessed or directly experienced acts of anti-Semitism at their colleges or universities. A 2016 study showed a 45 percent increase in campus anti-Semitism. One common tactic is to use criticism of Israel as a tool to target and marginalize Jewish students.

#### The Anti-Semitism Awareness Act is key – it provides a definition that solves the efficiency problems with Title VI.

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The Anti-Semitism Awareness Act (“AAA”) of 2016 is a bipartisan solution to this definitional problem. Passed by unanimous consent of the Senate on Dec. 1, 2016, the AAA directs the OCR to use the U.S. State Department’s definition of anti-Semitism when evaluating hostile environment complaints under Title VI. The State Department provides a clear definition of anti-Semitism, including helpful examples that will make OCR evaluation of complex complaints easier.

#### Section 4’s definition provides an enforcement mechanism for Title VI and fixes its issues with definition but avoids linking to the advantage.

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Following Senate action, the AAA has been the target of an extraordinary misinformation campaign, with much of the unreliable commentary centering on free speech concerns. It is claimed that the AAA would make anti-Semitic speech—with particular worries apparently centered on anti-Israel rhetoric—illegal or otherwise punishable on college campuses. This claim is absolutely false. For better or worse, the First Amendment to the U.S. Constitution protects “the speech we hate,” including the rankest forms of anti-Semitic speech. The AAA cannot change that, nor does it aim to. In examining whether anti-Semitic activity is “severe, persistent, or pervasive” enough to constitute an actionable hostile environment under Title VI, it is crucial that the OCR be able to recognize anti-Semitism in action. In such cases, speech can be evidence of intent. Consider, for example, the case of a Jewish student being attacked physically by other students. Is this anti-Semitism? Was this attack part of a drunken bar brawl, or was it a pointed attack on a Jewish student, because he is a Jewish student, motivated by discernible anti-Semitic bias? The key, of course, is the intent behind the attack. Was the student singled out for the attack because he is Jewish? Evidence of intent may well lie in what the attackers said at the time of the assault. Did they scream anti-Semitic epithets or otherwise mutter anti-Israel or anti-Zionist language? In such a case, the AAA directs the OCR to consider the State Department’s definition of anti-Semitism in evaluating the assailants’ actions. Speech in such a case is evaluated *not for its point of view*, but rather for *the evidence it provides as to the motive* of the assailant. This kind of inquiry into motive, with speech taken as evidence of intent, is entirely consistent with U.S. Supreme Court precedent and, indeed, with modern hate crimes legislation, like the recently-enacted Shepard-Byrd Act, which was enthusiastically supported by such speech-protective groups as the ACLU. Acts are punished, not mere thoughts, or speech, or belief. The AAA does no more; its supporters aim to do no more. It is critical that college and university campuses remain spaces where Jewish students can learn without fear of anti-Semitic assault or harassment. They have that right. The AAA seeks to protect that right and the right of free speech generally. The AAA is not at cross-purposes with American values of freedom of speech and expression, and it does not violate the First Amendment. It does no more than provide an enforcement mechanism for constitutional federal law. Those of us committed to freedom of speech have no reason to fear it. On the contrary, we encourage the 115th Congress to pass this smart and critically necessary measure immediately. The Department of Education is poised for new leadership and will need to respond to growing anti-Semitism in higher education. Now is the time for Congress to act.

## case

### plan flaw

#### the “US Congressional House of Representatives” doesn’t exist – it’s the United States House of Representatives.

EAP Encyclopedia of American Politics. “The Unite States House of Representatives” https://ballotpedia.org/United\_States\_House\_of\_Representatives SA-IB

The United States House of Representatives, commonly referred to as "the House," is one of the two chambers of the United States Congress; the other is the Senate.

#### vote neg –

#### a) Presumption, the aff has a burden to move away from the status quo, but the aff doesn’t do anything. This is independent of reasons to presume aff in the absence of offense because this says that aff didn’t meet its burden.

#### b) means you aren’t topical because nothing happens – judge doesn’t have jurisdiction to vote on a non-topical advocacy

#### c) small mistakes have huge consequence legislatively, worst case plan flaw turns case, best case I win automatically.

Heath 06 Brad, reporter at USA Today. “Small mistakes cause big problems” November 21, 2006. http://usatoday30.usatoday.com/news/nation/2006-11-20-typo-problems\_x.htm IB

**In the legislative world**, such **small errors**, while uncommon, can **carry expensive consequences**. In a few cases **around the nation** this year, **typos and** other **blunders have redirected millions of tax dollars or threatened to invalidate new laws**

### advantage

#### BDS is a destructive movement – boycotts result in increased violence and perpetuate the conflict.

Wolpe 15, David. "Why Boycotting Israel Is a Bad Idea." Time. May 27, 2015. <http://time.com/3896437/why-boycotting-israel-is-a-bad-idea/>

The **arguments for BDS don’t make sense.** **If** you say **it is because the U.S. gives Israel foreign aid, then what of Egypt, to which the U.S. gives about $1.3 billion a year in aid? Why no big campaigns when about 1,000 people are killed in Rabaa in a single day? If** you say **it’s to help the Palestinians, then BDS is a bad tactic because it could hurt the Palestine economy. If you say it’s for democratic reasons, then it’s by working within the democratic process, not by seeking to coerce it, that one gets results.** The **BDS campaigns will not and cannot work.** When a nation’s security is at stake, **making** the **citizens feel less secure is not a recipe for compromise. A nation surrounded by hostile powers is not moved to negotiate by threats from friends. Boycotts are a blunt tool dropped into a delicate and ongoing struggle**. I am heartbroken over the decades of pain on both sides of the conflict. But **the proliferation of anti-Semitic imagery along with one-sided evaluations of both the country and the conflict do not advance solutions; they polarize. Groups on campuses** far away **debating the issue doesn’t help those people in the region who must learn, together, how to live in peace.**